

15A NCAC 02B .0231 WETLAND STANDARDS

(a) Wetlands shall be assigned to one of the following classifications:

- (1) Class WL: waters that meet the definition of wetlands as defined in Rule .0202 of this Section except those designated as SWL; or
- (2) Class SWL: waters that meet the definition of coastal wetlands as defined by 15A NCAC 07H .0205, which are landward of the mean high water line, and wetlands contiguous to estuarine waters as defined by 15A NCAC 07H .0206.

In addition, the EMC may classify wetlands as unique wetlands (Class UWL) that are of exceptional State or national ecological significance which require special protection to maintain existing uses. Class UWL wetlands may include wetlands that have been documented as habitat essential for the conservation of State or federally listed threatened or endangered species.

(b) The water quality standards for all wetlands are designed to protect, preserve, restore, and enhance the quality and uses of wetlands and other waters of the State influenced by wetlands. The following are wetland uses:

- (1) Storm and flood water storage and retention;
- (2) Moderation of water level fluctuations;
- (3) Hydrologic functions, including groundwater discharge that contributes to maintain dry weather streamflow and, at other locations or times, groundwater recharge that replenishes the groundwater system;
- (4) Filtration or storage of sediments, nutrients, toxic substances, or other pollutants that would otherwise have an adverse impact, as defined in 15A NCAC 02H .1002, on the quality of other waters of the State;
- (5) Shoreline protection against erosion through the dissipation of wave energy and water velocity and stabilization of sediments;
- (6) Habitat for the propagation of resident wetland-dependent aquatic organisms, including fish, crustaceans, mollusks, insects, annelids, planktonic organisms, and the plants and animals upon which these aquatic organisms feed and depend upon for their needs in all life stages; and
- (7) Habitat for the propagation of resident wetland-dependent wildlife species, including mammals, birds, reptiles, and amphibians for breeding, nesting, cover, travel corridors, and food.

(c) The following standards shall be used to assure the maintenance or enhancement of the existing uses of wetlands identified in Paragraph (b) of this Rule:

- (1) Liquids, fill or other solids, or dissolved gases shall not be present in amounts that may cause adverse impacts on existing wetland uses;
- (2) Floating or submerged debris, oil, deleterious substances, or other material shall not be present in amounts that may cause adverse impacts on existing wetland uses;
- (3) Materials producing color or odor shall not be present in amounts that may cause adverse impacts on existing wetland uses;
- (4) Materials that adversely affect the palatability of fish or aesthetic quality of the wetland shall not be present in amounts that may cause adverse impacts on existing wetland uses;
- (5) Concentrations or combinations of substances that are toxic or harmful to human, animal, or plant life shall not be present in amounts which individually or cumulatively may cause adverse impacts on existing wetland uses;
- (6) Hydrological conditions necessary to support the biological and physical characteristics naturally present in wetlands shall be protected to prevent detrimental impacts on:
 - (A) Water currents, erosion or sedimentation patterns;
 - (B) Natural water temperature variations;
 - (C) The chemical, nutrient, and dissolved oxygen regime of the wetland;
 - (D) The movement of aquatic fauna;
 - (E) The pH of the wetland; and
 - (F) Water levels or elevations.
- (7) The populations of wetland flora and fauna shall be maintained to protect biological integrity as defined in Rule .0202 of this Section.

*History Note: Authority G.S. 143-214.1; 143-215.3(a)(1);
RRC Objection Eff. July 18, 1996 due to lack of statutory authority and ambiguity;
Eff. October 1, 1996;
Readopted Eff. November 1, 2019.*